

State of California

Memorandum

To : Mr. Lester Snow

Date : January 22, 1996

From : Department of Fish and Game

Subject : Draft Purpose and Need Statement

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The Department of Fish and Game has the following comments on the first draft of this statement transmitted on January 16, 1996:

1. The Background section is satisfactory, except that the second paragraph under the "Need" section is really background and should be worked into the "Background" section.
2. A number of changes are needed in the "Ecosystem Quality" section under "Purpose". One concern is that the treatment of native and non-native species needs to be the same for fish and wildlife, as issues are similar. Another is "survival" is implicit in "sustainable production" creating unnecessary wording. A third is singling out two groups of fish species and ignoring others, e.g. freshwater species. A fourth is habitats for wildlife are limited to wetlands, while some upland habitats also need to be considered. A fifth is that the goal for population size is a very minimal one in that it only calls for population levels sufficient to avoid listing under the endangered species act.

We recommend modifying the introductory paragraph to the "Ecosystem Quality" section to read: "Improve and increase aquatic and terrestrial habitats and improve ecological function in the Bay-Delta to support sustainable populations of..."

We recommend rewording the first bullet as; "...aquatic habitats that will support sustainable production of fish species living in the estuary now." If the Program wants to insert "native and other desirable" as in the draft, that is acceptable so long as it is done for wildlife also.

The second bullet concerning wildlife should be worded in a parallel fashion, adding upland in addition to wetland and deleting the reference to survival.

The third bullet should be as follows: "Increase populations of fish and wildlife in the estuary to self sustaining levels at a minimum, and to higher levels appropriate for supporting long-term sustained use to the extent feasible."

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3. In the first paragraph under "Water Supply Reliability" we suggest rewording to read: "Reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system."

The first and second bullets should be divided and read as follows:

- Reduce the conflict between beneficial water users.
- Improve the ability to transport water through the Bay-Delta system [separate bullet].
- Reduce the uncertainty of Bay-Delta system water supplies to help meet short and long-term needs.

4. A fourth bullet is needed under "Water Supply" as follows: "Provide a satisfactory water supply to accomplish Ecosystem Quality purposes." Note that this makes this section parallel to the "Water Quality" section.

5. We believe "satisfactory" is a better word than "good" throughout the "Water Quality" section. Also the geographic area in this section should be "Bay-Delta" as it is in the remainder of the "Purpose" section. Finally the wording under all five bullets in this section should be parallel. We suggest accomplishing this by changing the last bullet to:

"Provide satisfactory Bay-Delta water quality for accomplishing Ecosystem Quality purposes."

6. The use of the phrase "gradual deterioration of Delta conveyance and flood control facilities" concerns us in two respects. First, however it is phrased, it would seem to apply to all four bullets rather than to only two. Secondly, while it is clearly reasonable to refer to flood control facilities in this fashion, we question whether it is reasonable to refer to conveyance facilities in this way. That is because it seems to us that only the CVP and SWP facilities in the Delta should be characterized as conveyance facilities.

7. The geographic references in the "Need" section should parallel those in the "Purpose" section, as modified by the "Geographic Scope" section. In other words, the "Need" section should generally refer to Bay-Delta throughout rather than Delta.

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8. Add "and for maintenance of the estuarine ecosystem" to the last sentence under "Water Quality" in the "Need" section.
9. We recommend changing the "Ecosystem Quality" section as follows: "Habitat in the Bay-Delta has been changed and substantially degraded since the Gold Rush. As a result of that and the introduction of many new species of plants and animals, overall populations of fish and wildlife have changed and declined. Wetlands and the animals dependent on them have been particularly affected. Populations of many fish species have declined to very low levels, and the number of fish and wildlife species needing consideration under endangered species acts is increasing."
10. Change the first sentence under "Vulnerability" to: "The uses of the Delta are vulnerable to levee failure."
11. Consideration should be given to crafting a "Purpose" and "Need" statement that will facilitate successful completion of a 404(b)(1) alternatives analysis.
12. Even though the Tier 1 EIS/EIR is intended to be a programmatic document it is likely to be a mistake to use an overly broad "Purpose" and "Need" statement. As an example, the CVPIA example presented on page 3 could, in our view, result in alternatives that don't meet the basic intent of fixing the Delta.
13. The last paragraph on page 4 could lead to some confusion with respect to alternatives that are ultimately included in the Draft PEIS/EIR. It is typical to include an alternative such as a smaller than needed reservoir or smaller than planned subdivision to meet this requirement. However, since the underlying theme of this program is so clearly defined and since one of these themes is environmentally based to begin with it isn't clear that there is a need to include a large number of alternatives that don't completely fulfill the program's objectives.
14. Should "quality" be inserted after "water" in the last bullet under "Water Quality"? Also, shouldn't it be clear that water quality in water exported for agricultural and industrial use are also objectives?
15. We recommend deleting "...conveyance and flood control facilities" from last bullet on page 7 and inserting "levees".
16. In the last paragraph on page 8, we recommend deleting "waterfowl" in the second line and inserting "wildlife."

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17. The Draft PEIS/EIR must set a course toward meeting the overall program objectives and establish a foundation for project specific environmental documentation. The alternatives that are included in that document should be consistent with that overall purpose.
18. Under the "Vulnerability of Bay-Delta System Functions" section "Delta conveyance facilities" should be defined or deleted. Without some background, the first and fourth bullets are unclear.
19. On Page 8, under "Water Quality" the third sentence presents an incomplete idea. It must be the case that the problem is abnormal concentrations and not the presence of organic carbon and salts in the estuary.

We suggest adding a sentence such as "Certain water quality parameters are also significant for ecosystem function." to this section or the following section on "Ecosystem Quality".

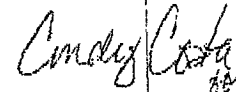
20. In the "Ecosystem Quality" section modify working as follows, "The ecosystem does not provide sufficient quality habitats and valued species. Substantial environmental changes have occurred since the Gold Rush. These changes include degradation and loss of habitat, population declines, and the loss of many native species, and..."

The third sentence in this paragraph, listing environmental changes, mixes a "cause" (habitat degradation and loss) with an "effect" (population declines and extirpation of species). Change in species composition in the Delta could be both a cause and effect. The following paragraph on Water Supply mentions fish and wildlife requirements as a constraint on water project operations and water supply reliability but this paragraph does not make any reference to the impact of water project operations on fish and wildlife. It seems egregious to mention the proliferation of non-native species as a significant change but not the construction and operation of water projects that have substantially altered the hydrology and hydrodynamics of the Delta or the building of the levees and reclamation of Delta islands. Another consideration is the time frame in which these environmental changes have occurred in relation to the relative abundance trends of various species.

21. In the "Vulnerability of Delta Functions" section modify wording to read: "The functions of the Delta are vulnerable to upset or disaster failure would result in flooding of productive Delta farmlands, loss of habitat for nonmigrating waterfowl species, and loss of..."

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This concludes my initial comments. Thank you for the opportunity to comment on this draft. If your staff wants to discuss any of these proposals, please call me or Frank Wernette at (209) 948-7800.



Pete Chadwick
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